

REMARKS

Claims 1-6 are pending in the application. Claims 1-3 have been amended.

Further, a revised Abstract will have been submitted for entry into the present application.

Reconsideration of the rejections and allowance of the pending application in view of the foregoing amendments and following remarks are respectfully requested.

In the Office Action of January 6, 2005, claims 1, 3 and 5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Crozet et al., U.S. Patent No. 6,527,803 B1 (hereinafter Crozet). This rejection is respectfully traversed.

Independent claim 1 has been amended to more clearly define a structural feature of the invention and to more clearly distinguish over the applied prior art reference by clarifying the withdrawal prevention portion. No new matter is introduced by the present amendment.

It is an object of the present invention to provide an intervertebral cage inserted between vertebra of a spine.

To achieve the above-noted object, the intervertebral cage inserted between vertebrae of a spine the present invention, as recited in amended claim 1, inter alia, includes a main body defined by a pair of upper and lower surfaces and a pair of side surfaces connected thereto, and a withdrawal prevention portion formed on the upper and/or the lower surfaces of the main body and asymmetrically with respect to the side surfaces in a top or bottom plan. As can be seen in the top and bottom plan views of Figs. 4A and 4B, the claw portions 490 extend to an angle to side portions 43 A and 43 B, and

thus are asymmetrical with respect thereto. Further, the withdrawal prevention portion regulates an insertion direction of the intervertebral cage.

The reference cited to support the rejection does not disclose such a combination of features. In particular, the Crozet reference does not disclose a withdrawal prevention portion formed asymmetrically with respect to the side surfaces in a top or bottom plan or along parallel cutting lines slanted with respect to a side surface of the main body.

The Examiner has asserted that the Crozet reference shows an intervertebral cage including a main body with upper and lower surfaces 6, 8, and withdrawal prevention means formed on the upper and lower surfaces.

On the contrary, however, the withdrawal prevention portion of the Crozet reference does not appear asymmetric in a top or bottom plan view. See particularly figures 1, 8, and 13 of Crozet, which show the parallel cutting lines parallel and perpendicular to the side surfaces of the main body.

Thus, Crozet does not disclose each and every feature recited in claim 1, and thus cannot anticipate at least claim 1 of the present application.

Claims 1-5 have been rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has asserted that “asymmetrically in a sectional view” in claim 1 and “thicker on the front side” in claim 3 are ambiguous.

Claims 1 and 3 have been amended to overcome the rejection and to place the claims in better form for allowance. Also, claims 1-3 have been amended to delete “means” language therein.

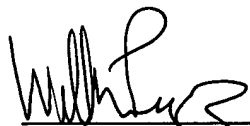
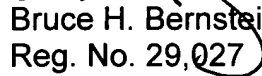
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

Claim 1 is now in condition for allowance in view of the above-noted remarks. Claims 2-6 are submitted to be in condition for allowance in view of their dependence from a shown to be allowable base claim and also based upon the recitation of other features of the present invention. It is respectfully requested, therefore, that the rejections of claims 1-6 under 35 U.S.C. § 102(e) and on the second paragraph of 35 U.S.C. § 112 be withdrawn and that an early indication of the allowance thereof be given.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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